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Plaintiffs Medtronic, Inc.,
Medtronic Vascular, Inc., Medtronic USA,
Inc., and Medtronic Galway, Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOSTON SCIENTIFIC CORP.,

Plaintiff,

vs.

MEDTRONIC, INC., MEDTRONIC
VASCULAR, INC., MEDTRONIC USA, INC.,
MEDTRONIC VASCULAR GALWAY, LTD.

Defendants.

Case No. CV 08 3844 PJH

**STIPULATED DISMISSAL AND
[PROPOSED] ORDER**

Stipulated Dismissal and Proposed Order
Case No. CV 08 3844 PJH

1 MEDTRONIC, INC., MEDTRONIC
2 VASCULAR, INC., MEDTRONIC USA, INC.,
3 MEDTRONIC VASCULAR GALWAY, LTD.,

4 Counterclaim-Plaintiffs,

5 vs.

6 BOSTON SCIENTIFIC CORP.,

7 Counterclaim-Defendant.
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Stipulation and [Proposed] Order to Continue Case
Management Conference
Case No. CV 08 3844 PJH

DM 110 316 42000 1

Pursuant to an agreement of the parties, Plaintiff Boston Scientific Corp. and Defendants Medtronic, Inc., Medtronic Vascular, Inc., Medtronic USA, Inc., and Medtronic Vascular Galway, Ltd. hereby stipulate, through their respective undersigned counsel, that all claims and counterclaims of this action shall be dismissed without prejudice. Each party shall bear its own costs and fees.

Respectfully submitted,

Dated

January 28, 2009

HOWREY LLP

By: Katharine L. Altemus
Katharine L. Altemus
Attorneys for Plaintiff/Counterdefendant
BOSTON SCIENTIFIC CORP.

GIBSON, DUNN & CRUTCHER LLP

By: H. Mark Lyon
H. Mark Lyon
Attorneys for Defendants/Counterclaimants
MEDTRONIC, INC., MEDTRONIC
VASCULAR, INC., MEDTRONIC USA, INC.,
and MEDTRONIC VASCULAR GALWAY,
LTD.

Concurrence in the filing of this document has been obtained from H. Mark Lyon, the signatory listed above.

HOWREY LLP

By: Katharine L. Altemus
Katharine L. Altemus
Attorneys for Plaintiff/Counterdefendant
BOSTON SCIENTIFIC CORP.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

1/29/09

The Honorable Phyllis J. Hamilton
United States District Court



Stipulated Dismissal and Proposed Order
Case No. CV 08 3844 PJH

CERTIFICATE OF SERVICE

I am employed in the County of San Mateo, State of California. I am over the age of 18 and not a party to the within action. My business address is 1950 University Avenue, 4th Floor, East Palo Alto, California 94303.

On January 28, 2009, I served on the interested parties in said action the within:

STIPULATION AND [PROPOSED] ORDER TO**CONTINUE CASE MANAGEMENT CONFERENCE**

by placing a true copy thereof in a sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the U.S. Mail at East Palo Alto, California.

H. Mark Lyon

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☒ (EMAIL/ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the submission, any electronic message or other indication that the transmission was unsuccessful.

☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case Management/Electronic File system with the U.S. District Court for the Northern District of California.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on January 28, 2009, at East Palo Alto, California.

Kathy Melendy
(Type or print name)

Kathy Melendy
(Signature)